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| Notice of Allowability | Application No. | Applicant(s) |
| | 10/664,452 | MUELLER, THOMAS L. |
| | Examiner Eric A. Gates | Art Unit 3722 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Applicant's amendment filed on 28 February 2006.
2. The allowed claim(s) is/are 1,2,4,6-8 and 10-18.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____.
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINERS AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Kevin Klug on 22 June 2006.

The application has been amended as follows:

Claim 19. (Cancelled)

Claim 20. (Cancelled)

Drawings

2. Replacement drawings were received on 28 February 2006. These drawings are acceptable.

Allowable Subject Matter

3. Claims 1, 2, 4, 6-8, and 10-18 are allowed. Claims 1, 16, and 17 are the independent claims.
4. The following is an examiner's statement of reasons for allowance:

Independent claim 1 sets forth a power assisted drill press comprising a drill motor having an actuation switch and a bit, mounted with a motor frame, a press frame,

said motor frame movably mounted with said press frame, a gap between said bit and said frame base, a pneumatic feed cylinder having a moving shaft and a pneumatic input port whereby a pneumatic pressure into said input port creates a force onto said shaft and promotes movement of said shaft and said drill motor, and a pneumatic variable pressure regulator having an output port connected with said input port of said feed cylinder and an activating lever, said regulator supplying pneumatic pressure from said output port in a pressure value relative to said activating lever displacement and substantially venting said pneumatic pressure when said lever is not displaced, whereby said work material and said bit approach and substantially contact when said moving shaft extends due to pneumatic pressure provided to said feed cylinder and said feed cylinder provides a force between said bit and said work material substantially proportional to said activating lever displacement.

Independent claim 16 sets forth a power assisted drill press comprising a press frame, a drill motor having a actuation switch, a pneumatic feed cylinder having a pneumatic input port and an extending shaft, said extending shaft capable of extending toward said drill motor, and an air pressure regulator having an output port connected with said cylinder input port and an activating lever having a displacement, said regulator supplying a pneumatic pressure from said output port in a pressure value relative to said activating lever displacement and substantially venting said pneumatic pressure when said lever is not displaced; and said extending shaft extending toward said drill motor when said activating lever is displaced and supplying a force substantially proportional to said activating lever displacement.

Independent claim 17 sets forth a power assisted drill press comprising a press frame having frame support, a top plate, and a frame base; one or more guide rods, said guide rods slidably mounted with said top plate; a motor frame having a drill motor; one or more springs slidably mounted between said top plate and said guide rods to supply retraction force to said motor frame; a pneumatic feed cylinder having an extending shaft capable of contacting said motor frame and also having a pneumatic input port; an air pressure regulator having an output port connected with said input port of said feed cylinder and a lever capable of supplying pneumatic pressure to said cylinder, having a pressure value substantially proportional to a displacement of said lever, whereby said motor frame and guide rods may be moved toward said frame base with a force substantially proportional to said lever displacement; a suction cup having a cup cavity; and a venturi capable of creating a vacuum, said vacuum of said venturi connected with said cup cavity whereby said suction cup may attach with a surface.

The closest prior art of record is U.S. Patent No. 6,776,562 to Morrison et al, which was applied to the claims in the office action mailed 30 November 2005. Suffice it to say, regarding independent claim 1, Morrison et al. does not disclose that said feed cylinder provides a force between said bit and said work material substantially proportional to said activating lever displacement. Regarding independent claim 16, Morrison et al. does not disclose said extending shaft supplying a force substantially proportional to said activating lever displacement. Regarding independent claim 17, Morrison et al. does not disclose said air pressure regulator having a pressure value substantially proportional to a displacement of said lever, whereby said motor frame and

guide rods may be moved toward said frame base with a force substantially proportional to said lever displacement.

Additionally, there is no combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to so modify the teachings of Morrison et al., and thus, for at least the foregoing reasoning, the prior art of record does not render obvious the present invention as set forth in independent claims 1, 16, and 17.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

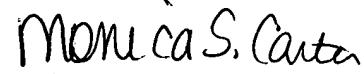
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Gates whose telephone number is 571-272-5498. The examiner can normally be reached on Monday-Thursday 7:45-6:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


EAG
22 June 2006


MONICA S. CARTER
MONICA CARTER
SUPERVISORY PATENT EXAMINER